(3)

SINGLE BENCH

C.S. 1001 F

IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W. P. NO. 2007 **/2005**

PETITIONER : Dev Narayan Ram S/o Shri Ram Kishan, aged about 45 years, R/o Village Pratappur, P.S. & Tahsil Pratappur, Dist : Surguja (C.G.).

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through : Collector of Surguga, Ambikapur, Dist : Surguja (C.G.).

2 Tahsildar of Pratappur P. S. & Tahsil Pratappur, Dist : Surguja (C.G.).

P.R. No. 1908/05
Presented by Shri Manoj Mishra
dated 24/11/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(26)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P. No. 2007... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.6.2005

Shri Bhupendra Singh, counsel for the petitioner.

Shri P.S. Koshy, Deputy Advocate General with Shri Pankaj Shrivastava, Panel Lawyer for the State on advance copy.

Heard.

The petitioner after a departmental enquiry was removed from service by order dated 08.11.1999 passed by Collector, Sarguja, Ambikapur. This order has been filed as Annexure P-5. Admittedly, no appeal was filed against this order and it appears that instead of filing an appeal, some application for reappointment was made and in pursuance of the same, another order dated 15.3.2005 was passed by the Upper Collector, Sarguja saying that the application for reappointment made on 22.12.2004 is dismissed. The outcome at this stage is that the petitioner has not challenged the validity of the order dated 08.11.1999 by filing a departmental appeal against the same and has directly come to this court in this petition.

At this stage, learned counsel for the petitioner submits that the petitioner may be given a liberty to file a departmental appeal before the concerned authority under the provisions of M.P.(C.G) Civil Services (Classification, Control and Appeal) Rules 1966. He also submits that since the appeal has become time barred some observations be made for consideration of the appeal if the same is filed alongwith an application for condonation of delay.

(27)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

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	Looking to the facts and circumstances of the case, these prayers are allowed. The writ petition is permitted to be withdrawn with liberty to the petitioner to file an appeal before the competent authority alongwith the application for condonation of delay. It is observed that if such an appeal is filed within one month from today alongwith an application for condonation of delay the concerned authority shall consider the application for condonation and shall dispose of the appeal in accordance with law. It is made clear that this court has not expressed any opinion on merits of the case or in relation to the condonation of delay which is involved in the matter. Consequently, I.A.No. 1591/2005 and I.A.No.3788/2005 stand disposed of. C.C. as per rules. Rao **Sd/-** **Sunil Kumar Sinha** **Judge**	

AK 17/5/17